

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 1, 2, 5, 10, 12 and 13 have been amended. Claims 7 and 11 have been cancelled. Claims 3, 4, 6, 8 and 9 have been withdrawn. Withdrawn claims 3, 4, 6, 8 and 9 have also been amended, and are therefore provided with the label "withdrawn – currently amended" in compliance with 37 CFR 1.121(c)(2). Claims 1, 2, 5, 10, 12 and 13 are pending and under consideration.

ELECTION REQUIREMENT

In the Office Action, on page 2, numbered paragraph 1, the Examiner made the election requirement final. However, it is respectfully submitted that in the election requirement mailed on April 6, 2007, the Examiner required election of a single powdery magnetic material **and** a single non-powdery magnetic material. Consistent with the Examiners election requirement, the Applicants elected Species (b) of Group I with claim 5 readable thereon and Species (e) of Group II with claim 9 readable thereon on April 24, 2007. In the Office Action, claim 9 was listed as withdrawn despite the Applicant's election.

It is respectfully requested that claim 9 be examined and if rejected, such rejection be non-final.

CLAIM REJECTIONS

Claims 1, 2 and 11 were rejected under 35 USC 103(a) as being unpatentable over Yoshimura (US 5,302,893) (hereinafter "Yoshimura").

Claims 1, 2, 5, 7 and 10-13 were rejected under 35 USC 103(a) as being unpatentable over Ohtsuki et al. (US 6,692,153) (hereinafter "Ohtsuki") in view of Yoshimura or Kojima et al. (US 6,235,129) (hereinafter "Kojima").

Claims 1, 2, 5, 7, 10 and 11

Amended claim 1 recites: "...a ring shaped multi-pole magnet having a plurality of opposite magnetic poles alternating in a direction circumferentially thereof; and a core metal to which the multi-pole magnet is fixed by crimping, said multi-pole magnet containing a powdery magnetic material mixed in an amount within the range of 20 to 90 vol.% relative to the total volume of the multi-pole magnet, said multi-pole magnet being a sintered element obtained by sintering a green compact of a kind in which a powdery mixture of the powdery magnetic material and a powdery non-magnetic material is press-molded, and said green compact having

a porosity within the range of 5 to 30 vol. %." Support for this amendment may be found in at least original claim 7 and in the specification of the present application (page number:line number) on 12:29-13:3, 15:10-15:13 and 16:5-16:19.

In amended claim 1, the use of the powdery magnetic material in the specific amount in the specific amount is effective to secure the magnetic force required to accomplish a stabilized detection even though the multi-pole magnet is fabricated having a thin-walled structure and, also, to secure a good moldability. In addition, as clearly described in 16:5-16:19 of the specification, not only can the green compact be molded securely, but the sintered element can also be mechanically secured to the core metal.

Further, as described in the specification at 16:5-16:19m not only can the green compact be molded assuredly, but the multi-pole magnet made of the sintered element and having a sufficient magnetic force can be molded into a ring shaped configuration that is then fixed to the core metal by means of crimping. By contrast neither Ohtsuki, Yoshimura nor Kojima disclose a ring-shaped multi-pole magnet which is made of the sintered element and has a sufficient magnetic force, and which is then fixed to the core metal by means of crimping.

Claims 7 and 11 have been cancelled. Claims 2, 5 and 10 depend on claim 1 and are therefore believed to be allowable for at least the foregoing reasons. Claims 2, 5 and 10 have been amended to improve the form of the claims.

Withdrawal of the foregoing rejection is requested.

Claims 12 and 13

Amended claim 12 recites: "...[a] wheel support bearing assembly provided with a magnetic encoder as defined in claim 1." As discussed above, it is respectfully submitted that the wheel support bearing assembly provided with a magnetic encoder as recited in claim 1 patentably distinguishes over the relied upon prior art.

Claim 13 depends on claim 12 and is therefore believed to be allowable for at least the foregoing reasons. Claims 12 and 13 have been amended to improve the form of the claims.

Withdrawal of the foregoing rejection is requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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